

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION**

UNITED STATES OF AMERICA,

MJ 11-16-M-JCL

Plaintiff,

vs.

ORDER

RONALD J. BONNER,

Defendant.

The United States moves the Court to issue a warrant for Defendant Ron Bonner's arrest. On March 10, 2011, an Information was filed against Defendant charging him with leaving refuse in or near a stream in violation of 36 C.F.R. § 261.11(c) (Count I), operating "a vehicle in violation of a state law, with a suspended license, in violation of 36 C.F.R. § 261.54(d)" (Count II), and operating a motor vehicle on a closed trail in violation of 36 C.F.R. § 261.13 (Count III). A Statement of Probable Cause, signed by Becky Agner, a Forest Service Law Enforcement Officer, was filed in support of the Information.

On March 14, 2011, a summons was issued for Defendant's initial appearance and arraignment on April 7, 2011. The summons was returned to the Court as undelivered, and Defendant did not appear in Court on April 7, 2011.

Consequently, the United States requests that an arrest warrant be issued.

In general, “[t]he Fourth Amendment requires that all warrants be supported by probable cause.” *United States v. Garcia-Villalba*, 585 F.3d 1223, 1233 (9th Cir. 2009). Evidence must be presented to establish probable cause to believe the subject individual committed an offense. Fed. R. Crim. P. 4(a) and 58(d)(3) . The probable cause requirement applies to arrest warrants. *Giordenello v. United States*, 357 U.S. 480, 485-86 (1958).

Upon further review of the Information and the supporting Statement of Probable Cause, the Court finds probable cause exists to believe Defendant committed the offenses of leaving refuse in or near a stream as alleged in Count I of the Information, and operating a motor vehicle on a trail closed to motorized vehicles as alleged in Count III. The record before the Court, however, does not provide probable cause to believe Defendant was operating a vehicle with a suspended license as alleged in Count II of the Information.

Therefore, IT IS HEREBY ORDERED that on or before **April 28, 2011**, the United States shall file an amended Information accordingly.

DATED this 19th day of April, 2011.

/s/ Jeremiah C. Lynch
Jeremiah C. Lynch
United States Magistrate Judge